

REGULATING AND PROVIDING FOR SUPERVISION OF
EMIGRANT AGENTS.

S. B. No. 127.

CHAPTER 96.

An Act defining an emigrant agent, providing for the regulation and supervision of the business of Emigrant Agents; providing for the filing with the Labor Commissioner of Texas of an application stating certain facts connected with said applicant and providing for the issuance by said Commissioner of a State License, conditioned upon the filing of said license and paying the County Tax in each County in which said Emigrant Agent operates or maintains an office, and paying the State Occupation Tax as provided by law and paying an annual license fee of \$10.00, and providing for the filing of a bond of \$5,000.00 with said Labor Commissioner to be approved by him, conditioned that said Emigrant Agent will give a statement in writing to each laborer hired to go beyond the limits of the State, a contract of employment and an agreement to provide or arrange, on written demand, for return transportation; providing how said laborer may waive those rights under such bond and providing for the right of inspection by said Labor Commissioner of books, correspondence, memoranda, papers and records of said Emigrant Agent and providing for cancellation of said license by said Commissioner under certain conditions, notice and hearings specified and providing for reports of said Emigrant Agent to said Labor Commissioner; and providing that this Act shall also apply to every other person, firm, corporation or association of persons hiring, enticing or soliciting laborers to be employed beyond the limits of this State, but not maintaining an office therefor except as to payment of occupation taxes, but specially providing that this Act shall not apply where the number to be employed for the employers individual use shall not exceed ten (10) employees; and providing that in event any portion of said Act should be held unconstitutional that it should not impair the remaining portions thereof and providing that said law shall be cumulative and repealing House Bill No. 207, enacted by the First Called Session of the 41st Legislature and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The term "emigrant agent" as used in this Act means every person, firm, corporation or association of persons engaged in the business of hiring, enticing, or soliciting laborers in this State to be employed beyond the limits of this State and is also meant to include every person, firm, partnership, corporation or association of persons maintaining an office to hire, entice, or solicit laborers to be employed beyond the limits of this State; and is also meant to include every person who, as an independent contractor or otherwise than as an agent of a duly licensed emigrant agent procures, or undertakes to procure, or assist in procuring laborers for an emigrant agent; and every emigrant agent shall be termed and held to be doing business as such in each and every County wherein he, in person, or through an agent, hires, entices or solicits any laborer to be employed beyond the limits of the State.

SEC. 2. Each emigrant agent shall, before operating in Texas, secure a State license as such, on application therefor to the Commisisoner of Labor Statistics of the State of Texas.

Such application shall be in writing on form prescribed by said Commissioner, and shall be verified by the applicant. Where the application is made by a firm, partnership, or association of persons, it shall state the names of all the members of such firm, partnership, or association of persons, and shall be verified by each of them and where by a corporation, it shall state the names of all officers and duly verified by authorized officer. The application shall state the post office address, and the residence and citizenship, of each applicant named therein. The application shall state where the main office of the applicant is and/or is to be located. It shall also state the counties in which the applicant proposes to do business and the place in each county where such business is to be conducted, provided, the application may be subsequently amended in this respect by supplemental application filed with said Commissioner, duly verified, adding counties not named in the original application and stating where such business is to be conducted in each such added county. No person shall engage in the business of any emigrant agent in any county not named in such original or amended application. When an emigrant agent has filed such application, and has paid the occupation taxes as provided by law, and pays to the Labor Commissioner of Texas an annual license fee of \$10.00, the said Commissioner shall issue to him a state license as an emigrant agent, which shall entitle him to do business as such in any county named in said license in which said County tax has been paid. Such emigrant agent shall file with the Tax Collector of any county in which he proposes to do business a certified copy of his license.

SEC. 3. Any person, firm, association of persons or corporation who shall engage in the business of an emigrant agent in any county in this State without having first filed with the Commissioner of Labor Statistics of the State of Texas, an application for license as emigrant agent as above provided, and/or without having first paid all state and county occupation taxes and annual license fee as provided by law or without having first secured a state license as above provided, or without having first filed certified copy of his state license with the Tax Collector of such county as above provided, and/or who does not file monthly reports as provided by this Act, and/or who shall engage in the business of an emigrant agent in any county in this State without first having designated such county as one of the counties in which he proposes to do such business in his original or amended application to the Commissioner of Labor Statistics of Texas, shall be guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding \$500.00, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

SEC. 4. Any emigrant agent who furnishes, provides or arranges for transportation out of this State for any laborer hired by him to be employed beyond the limits of this State shall furnish provide or arrange for return transportation to this State

for such laborer upon written demand of such laborer dated not exceeding thirty days after the termination of the contract of employment procured for such laborer by such emigrant agent; and such emigrant agent shall, at the time he hires such laborer, give to him a statement in writing that he will furnish, provide or arrange for such return transportation as above provided. Each emigrant agent shall, before engaging in business as such, execute a bond in the sum of \$5,000.00 by a surety company doing business in Texas as surety to be filed with and approved by the said Commissioner of Labor Statistics, and payable to the State of Texas, conditioned that he will faithfully comply with the above and foregoing provision respecting the furnishing, providing or arranging for such return transportation for such laborer, which bond shall be for the use of such laborers and may be sued on by any such laborer, in the county where he resided at the time he was hired by such emigrant agent, without the State being joined in said suit; provided that any laborer may waive his rights under any bond required by this section of this Act by instrument in writing signed by him and acknowledged by him before the County Judge of the County in which he is residing at the time he is hired, a copy of which instrument shall be filed with the County Judge and a copy thereof be by such County Judge transmitted to said Commissioner of Labor Statistics.

If any such bond shall become exhausted, or depleted to the extent of one-half, by recoveries thereon, then such emigrant agent shall give a new bond, similar to the original bond, and shall not engage in business as emigrant agent until such new bond is given and approved.

SEC. 5. All the books, correspondence, memoranda, papers and records of every kind and character incident to the business of an emigrant agent of each emigrant agent licensed under this Act shall be subject to inspection at any time by the said Commissioner of Labor Statistics, his deputies, or inspectors, and a failure to permit said Commissioner, his deputies or inspectors to inspect such books, correspondence, memoranda, papers and records at any time shall be sufficient grounds for the Commissioner to cancel the license of such agents and he shall have authority and it shall be his duty to do so.

The Commissioner shall not cancel the license of any emigrant agent until complaint in writing made by a credible person, shall be filed with him, specifying in general terms the grounds of the proposed cancellation, and a full and fair hearing given to him thereon. Upon the filing of such complaint, the Commissioner shall fix a time and place, reasonably accessible to the emigrant agent complained against, for the hearing of said complaint. The Commissioner shall notify the agent so complained against of the time and place fixed for said hearing by a registered letter addressed to him at his postoffice address as the same appears upon his application for license, accompanied by an exact copy of the complaint against him; and

mailing of such notice and copy shall be sufficient and conclusive evidence of proper service of the procedure upon the agent so complained against. The emigrant agent so complained against shall have at least ten days after the date of said notice mailed, exclusive of the day of mailing and day of hearing, before hearing upon said complaint shall be had, and shall have the right to file answer, introduce evidence and to be heard both in person and by counsel. The Commissioner shall have the power to summon and compel the attendance of witnesses before him to testify in relation to any such complaint, and may require the production of any book, paper or document deemed pertinent thereto. Said Commissioner shall also have the power to provide for the taking of depositions of witnesses and evidence may be heard either from witnesses present testifying orally, or by deposition taken under such rules, and in such fair and impartial manner as the Commissioner may prescribe. Said hearing shall be had before the Commissioner and shall be conducted in a fair and orderly manner, and in accordance with rules of procedure to be adopted by the Commissioner. At the conclusion of the hearing the Commissioner shall enter his findings and judgment in writing and the same shall be recorded by him in a permanent record to be kept by him, and a copy thereof furnished to the emigrant agent complained against. Any emigrant agent whose license shall be cancelled by the Commissioner may, within thirty days after the cancellation thereof, and not thereafter, have his right of action for reinstatement against the Commissioner in the district court of Travis County. If the agent whose license has been cancelled by the Commissioner shall, within ten days after receiving information of such cancellation, give notice to the Commissioner in writing of his intention to file such suit, the action of the Commissioner in cancelling the said license shall be suspended for a period of thirty days, but unless such suit shall be filed within said time, the action of the Commissioner shall be final. If suit shall be filed against the Commissioner to reinstate said license within said time, the action of the Commissioner shall remain suspended until the validity of the license in question shall be adjusted by the court in said suit. In such suits the burden shall be upon the emigrant agent to show good cause for reinstatement of his license.

SEC. 6. Each emigrant agent shall make monthly reports on the first day of each and every month covering the preceeding month correctly showing the name and address of every agent, sub-agent, contractor, solicitor or recruiter engaged in any part of the work connected with the business of hiring, enticing or soliciting laborers in this State to be employed beyond the limits of this State in which such emigrant agent is engaged, and correctly showing, (a) the name, age, sex, race and address of each person hired to be employed beyond the limits of this State, (b) the name and address of the employer of every such person, (c) the kind of work every such person is employed to do,

(d) the place where every such person is to be employed, (e) the term of employment of every such person, and (f) the wages to be paid to every such person for his work, and (g) the number, name, and address of each party if any returned to the State of Texas by said agent, which report shall be filed with the said Commissioner of Labor Statistics.

The said Commissioner shall have the authority, and it shall be his duty, to cancel the license of every emigrant agent who fails to make and file such monthly report on or before the 10th day of each month respectively in accordance with the cancellation procedure provided in this Act.

SEC. 7. This Act shall also apply in all its terms and provisions to every other person, firm, corporation, maritime agency or association of persons hiring, enticing or soliciting laborers to be employed by him beyond the limits of this State, but not maintaining an office therefor, except that such other person, firm, corporation, maritime agency, or association of persons as used in this section, shall not be required to pay the occupation taxes in order to procure a license but shall pay to the Labor Commissioner the annual license fee provided by this Act, and shall perform all the other provisions of this Act, and such license shall in that event be limited to such holder thereof hiring, enticing or soliciting laborers exclusively and only for said holder of such license; provided, however, that this section shall not apply to a person where the number to be employed by such person shall not exceed ten employees.

SEC. 8. The provisions of this Act shall be cumulative of the employment agency laws of the State of Texas and the employment agency Laws aforesaid, shall be where consistent, applicable to the provisions of this Act.

SEC. 9. In the event any section, sub-section or part of this Act shall be held to be unconstitutional, then such holding shall not affect or impair the remainder of this Act and the remainder of this Act in such case, shall be and remain in full force and effect as the intent of the Legislature.

SEC. 10. House Bill No. 207, enacted at the First Called Session of the 41st Legislature, approved May 17, 1929, is hereby repealed; and all laws and parts of laws in conflict herewith are also hereby repealed.

SEC. 11. The fact that the State of Texas has come to be recognized as a fruitful field for the activities of Emigrant Agents and the further fact that a large per centage of the individuals solicited by said agents are uneducated and not fully cognizant of their rights or of business methods in protecting and securing their rights and are susceptible of being over influenced and the further fact that there exists no law providing for a reasonable regulation of said business, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act

become effective from and after its passage, and it is so enacted.

Effective 20 days after adjournment.

[NOTE: S. B. No. 127 passed the Senate 30 yeas, 0 nays; passed the House with amendments 100 yeas, 0 nays; Senate concurred in House amendments 30 yeas, 0 nays. Received in Executive office July 1, 1929, and in the State Department July 18, 1929, without the signature of the Governor.]

EMERGENCY APPROPRIATIONS FOR STATE DEPARTMENTS AND INSTITUTIONS.

S. B. No. 181.]

CHAPTER 97.

An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and Departments of State Government as named herein for the balance of the fiscal year ending August 31, 1929, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That the following sums of money be, and the same are, hereby appropriated out of any money in the State Treasury not otherwise appropriated, to cover emergency appropriations for the several institutions and Departments of the State Government named herein, for the balance of the fiscal year ending August 31, 1929, which appropriations shall be immediately available, and shall be for the emergencies hereinafter stated.

DEPARTMENT OF STATE.

Publication of House Joint Resolution No. 6.....\$ 5,000.00

GENERAL LAND OFFICE.

One Monroe Calculator Complete with stand.....	\$ 425.00
For repairs of Calculator now in use.....	50.00
TOTAL	\$ 475.00

TEXAS PRISON BOARD.

HARLEM STATE FARM.

To rebuild cotton seed house completely destroyed by storm, estimated damage.....	\$ 2,000.00
To rebuild mule and corn barn completely destroyed by storm estimated damage.....	3,000.00
To replace nine mules killed in storm @ \$75.00 each..	675.00